

Translation

PATENT COOPERATION TREATY

PCT/FR2003/003667



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference K18 B2 PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/003667	International filing date (<i>day/month/year</i>) 10 décembre 2003 (10.12.2003)	Priority date (<i>day/month/year</i>) 10 December 2006 (10.12.2006)
International Patent Classification (IPC) or national classification and IPC B21F 43/00, 27/08, 27/00, 1/00		
Applicant KOUSSAIFI, Ghattas, Youssef		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 07 juillet 2005 (07.07.2005)	Date of completion of this report 13 February 2006 (13.02.2006)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/003667

I. Basis of the report

1. With regard to the **elements** of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
pages _____ 1-19 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-57 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the drawings:
pages _____ 1/32-32/32 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR 03/03667

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims		YES
	Claims	1, 46, 47, 49	NO
Inventive step (IS)	Claims		YES
	Claims	2-4, 10, 11, 38, 50, 51	NO
Industrial applicability (IA)	Claims	1-57	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: US-A-2 684 087 (STOCKTON RAYMOND F) 20 July 1954
(1954-07-20);

D2: DE 10 29 788 B (DORSTENER DRAHTWERKE) 14 May
1958 (1958-05-14).

1. Independent claims 1, 46 and 49

The present application does not fulfil the requirements set forth in PCT Article 33(1) because the subject matter of independent claims 1, 46 and 49 does not comply with the requirement of novelty defined in PCT Article 33(2).

1.1 Independent claim 1

Document D1 describes (the references between parentheses apply to said document):

a machine for producing a continuous strip of metal mesh (*see column 1, line 5*) using a single flexible metal wire (*W*) continuously supplied to

said machine, which mesh consists of the repetition, in a plane, of a single pattern (C) of said metal wire, each pattern (C) being placed on top of the previous one with a constant pitch offset in the axial direction of production of said mesh strip (see *figure 3*), which machine comprises:

- a metal wire storage stage (*implicit, see column 3, line 45: "source of supply not shown"*);
- a stage for continuously supplying metal wire to said machine (57, 58, 28, 36, 54, see *column 3, lines 44 to 50*);
- a forming stage for shaping said wire into a series of identical patterns (20, 31, 32, see *column 3, lines 48 to 54*);
- a transfer stage for sequentially moving said metal wire patterns towards the mesh strip-forming surface (77, see *column 4, lines 23 to 36*);
- a stage for maintaining each pattern in a plane and for offsetting same by a constant pitch before the subsequent pattern is delivered (74, 75, see *column 4, lines 16 to 23*); and
- a stage for attaching said patterns to one another (82, 86, see *column 4, lines 40 to 57*).

1.2 Independent claim 46

D1 describes (the references between parentheses apply to said document):

a mesh strip (see column 5, line 2) consisting of the repetition of a single pattern (C) offset along the axis of strip formation (see figure 3), wherein said patterns (C) are welded to one another at at least some of the intersections thereof (see column 4, line 74 to column 5, line 2).

1.3 Independent claim 49

D1 describes (the references between parentheses apply to said document):

a method for continuously producing a mesh strip using a single metal wire (see column 1, lines 5 to 6), by means of the following steps:

- winding said metal wire around a forming drum (the drum is the subject matter of the alternative described in column 5, lines 16 to 29), whereby each turn has the same pattern;
- separating said turns in the direction of the axis of said forming drum (via chute element 77)
- depositing the turns on a mesh-forming surface perpendicular to the axis of said forming drum (surface defined by belt 74);
- continuously moving said surface (belt 74) in synchrony with the turn-winding, -separating and -depositing speeds ("correlative rates", column 3, line 64; "same speed", column 4, lines 49 and 50; see also elements 39 and 59) in order to

generate an offset between said turns (see *figure 3*) and form the series of repetitive patterns (C) of the mesh; and

- welding (*via rollers 82 and 86*) at least some of the intersections of said patterns that form the mesh.

1.4 Observation

Document D2 also anticipates the novelty of independent claims 1 and 46.

2. Dependent claims 2 to 4, 10, 11, 38, 47, 50 and 51

Dependent claims 2 to 4, 10, 11, 38, 47, 50 and 51 do not contain any features which, in combination with the features of any one of the claims to which they refer, might define subject matter that fulfils the PCT requirements of novelty and/or inventive step, for the following reasons:

- 2.1 The additional features in claims 2 to 4, 50 and 51 are routine practice in the prior art of forming metal wires and lattices (see, in particular, D2).
- 2.2 The additional features in claim 10 constitute an obvious alternative to the use of a single strip as known from D1.
- 2.3 The additional features in claim 11 constitute an obvious alternative to the use of welding rollers as known from D1.
- 2.4 The additional features in claim 38 are known from D2 (see column 3, lines 3 to 8). Positioning the

wire reel adjacent to the mesh-forming surface is an obvious alternative solution.

The same is true of the additional features in claim 47.

2.5 Observation

Claim 5 lacks clarity under the terms of PCT Article 6. The feature whereby the drum "is maintained stationary while the forming step is carried out" serves more to explain the way in which the machine is used than to define said machine clearly in terms of technical features.

As a result, the restrictions intended by these features are not clear from this claim, contrary to the requirements of PCT Article 6.

3 Additional observations

- Contrary to the requirements of PCT Rule 5.1(a)(ii), the description does not indicate the relevant prior art disclosed in document D1, nor does it cite said document.
- The features in the claims are not followed by reference signs between parentheses (PCT Rule 6.2(b)).